

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH MICHAEL QUINCY
JEFFERSON,

Defendant.

CASE NO. 2:23-cr-00109-LK

ORDER CONTINUING TRIAL
AND PRETRIAL MOTIONS
DEADLINE

This matter comes before the Court on the Defendant Joseph Jefferson's Unopposed Motion to Continue Trial and Extend Motions Deadline. Dkt. No. 28. Mr. Jefferson moves to continue the trial date from September 11, 2023 to February 26, 2024, and to continue the pretrial motions deadline accordingly. *Id.* at 1.¹ The Government does not oppose Mr. Jefferson's motion. Dkt. No. 28 at 1.

¹ The Court notes that Mr. Jefferson filed his motion to continue well after the deadline for pretrial motions expired. *See* Dkt. No. 24 (setting the pretrial motions deadline as August 8, 2023). Although the Court finds good cause to extend the pretrial motions deadlines as requested, it cautions Mr. Jefferson that pursuant to Section I.A. of this Court's Standing Order for All Criminal Cases, motions to continue the trial date and pretrial motions deadline must be made prior to the pretrial motions deadline. The Court expects strict compliance with its Standing Order and the applicable laws and rules moving forward, and reminds the parties that "a failure to timely raise a pretrial objection required by

1 On June 27, 2023, Mr. Jefferson made an initial appearance before United States
2 Magistrate Judge Paula L. McCandlis after being arrested on a complaint. Dkt. Nos. 1, 5. On July
3 5, 2023, a federal grand jury indicted Mr. Jefferson with one count of Assault by Strangulation in
4 violation of 18 U.S.C. §§ 113(a)(8) and 1153(a). Dkt. No. 13 at 1–2. He pleaded not guilty to the
5 charge at his July 18, 2023 arraignment and remains on bond with special conditions following
6 several appearances before United States Magistrate Judge Michelle L. Peterson. Dkt. Nos. 9–10,
7 15, 24, 25–27.

8 Counsel for Mr. Jefferson represents that “[t]he defense cannot be prepared for trial by the
9 current trial date” because counsel requires “additional time to review and synthesize discovery,
10 conduct independent investigation, perform legal research, consult with and advise Mr. Jefferson,
11 draft motions, and prepare for trial.” Dkt. No. 28 at 2. Counsel states that “[s]ome of these tasks
12 are rendered more time consuming by the physical distance between counsel’s office and both the
13 alleged scene and Mr. Jefferson’s current residence, which are over 1.5 driving hours apart.” *Id.*
14 Mr. Jefferson has filed a speedy trial waiver “knowingly, voluntarily, and with advice of counsel”
15 waiving his right to a speedy trial through March 11, 2024. Dkt. No. 29 at 1.

16 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
17 granting a continuance outweigh the best interest of the public and Mr. Jefferson in any speedier
18 trial. Specifically, the Court finds that failure to grant the requested continuance would likely result
19 in a miscarriage of justice and would deny defense counsel the reasonable time necessary for
20 effective preparation, taking into account the exercise of due diligence, due to counsel’s need for
21 more time to obtain and review discovery, consider pretrial motions and defenses, consult with
22 Mr. Jefferson, and prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that

23 Rule 12, absent a showing of good cause, constitutes a waiver[.]” *United States v. Ghanem*, 993 F.3d 1113, 1120 (9th
24 Cir. 2021) (cleaned up).

1 the additional time requested is a reasonable period of delay and will be necessary to provide
2 counsel and Mr. Jefferson reasonable time to accomplish the above tasks.

3 For these reasons, the Court GRANTS Mr. Jefferson's motion, Dkt. No. 28, and ORDERS
4 that the trial date for Mr. Jefferson shall be continued from September 11, 2023 to February 26,
5 2024, and that the pretrial motions deadline shall be continued to January 16, 2024. It is further
6 ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the date
7 of this Order to the new trial date is EXCLUDED when computing the time within which Mr.
8 Jefferson's trial must commence under the Speedy Trial Act.

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10 Dated this 28th day of August, 2023.

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12 Lauren King
13 United States District Judge
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